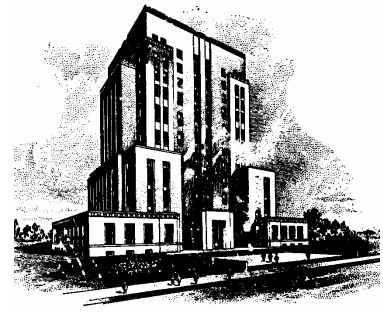


Racine County Office of Corporation Counsel

730 Wisconsin Avenue, 10th Floor
Racine, Wisconsin 53403-1274
Phone (262) 636-3758
Fax (262) 636-3549

John P. Serketich
Assistant Corporation Counsel



RACINE COUNTY COURTHOUSE

December 19, 2014

Honorable Barbara B. Crabb
Judge, U.S. District Court
Western District of Wisconsin
120 N. Henry Street
Madison, WI 53703

RE: Wolf, et al. v. Walker, et al.
Case No. 14-CV-64-BBC

Dear Judge Crabb:

I represent Racine County Clerk Wendy Christensen in the above-entitled action and file this letter in response to the Plaintiff's recently filed Motion for an award of attorneys fees, costs and expenses pursuant to 42 U.S.C. §1988. It is the position of the Racine County Clerk that she should not be held liable for any fees, costs or expenses in this matter.

Although the Plaintiff's Motion is not solely directed at the State Defendant's, it is my understanding that neither the Plaintiffs nor the State Defendants are seeking to hold the county clerks liable for fees, costs and expenses which is consistent with Seventh Circuit precedent as set forth in *Herbst v. Ryan*, 90 F.3d 1300 (7th Cir. 1996). As in *Herbst*, the county clerks were not actively involved in this litigation nor were they the "moving force" behind the constitutional amendment or statutes that were at issue in this action. *Id.* at 1306. The county clerks were simply performing a ministerial act required by state statute. As a result, the Racine County Clerk joins the position of the Dane and Milwaukee County Clerks as noted in the November 19, 2014, email correspondence to Magistrate Oppeneer and the December 17, 2014, correspondence to this court that the county clerk's should not be assessed any liability for statutory fees, costs and expenses in this case.

Thank you for your consideration of this matter.

Sincerely,

/s/ John P. Serketich

John P. Serketich
Assistant Corporation Counsel

c: All counsel of record via electronic filing